

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DIAGNOSTIC RESOURCE GROUP, LLC *

Plaintiff *

v. * Case No.: RDB-02-CV-3020

TOSHIBA AMERICA MEDICAL *
SYSTEMS, INC.

Defendant *

* * * * *

DEFENDANT'S MOTION FOR PROTECTIVE ORDER

Defendant, Toshiba America Medical Systems, Inc., by its attorneys, Brooke Schumm III and Daneker, McIntire, Schumm, Prince, Goldstein, Manning & Widmann, P.C., files this Motion for Protective Order stating as follows:

1. Plaintiff noticed a new and second deposition of TAMS for November 3, 2003 late in the day on or about October 27, 2003.
2. Plaintiff took the deposition of TAMS in March, 2003 pursuant to a comprehensive notice of deposition. Two witnesses were produced and the deposition was concluded.
3. Pursuant to Fed. R. Civ. P. 30(a)(2)(B), leave of Court is required to take a second deposition of any person. No such leave was obtained.
4. After correspondence with counsel, counsel was not willing to withdraw the notice.
5. Counsel for Plaintiff also failed to follow the Discovery Guidelines by failing to call for a preferred date. Counsel for Defendant had a previously scheduled meeting for a client with the IRS.

WHEREFORE, Defendant prays the Court issue a protective order based on the failure to

comply with the Rules and discovery deadlines and issue any other relief as may be just and proper.

_____/s/_____
Brooke Schumm III, Esquire
Fed. Bar No.05001
Danecker, McIntire, Schumm, Prince, Goldstein,
Manning & Widmann, P.C.
One North Charles Street
Suite 2450
Baltimore, MD 21201
(410) 649-4761
Telecopier: (410) 649-4758

**CERTIFICATE OF GOOD FAITH ATTEMPT
TO RESOLVE DISCOVERY DISPUTE**

The above-subscribed Brooke Schumm III certifies that he communicated his objection by letter to the notice of deposition on or about October 29, 2003, noting that no leave of court had been obtained, and received a reply and communicated his objection again on October 31, 2003. Counsel again conversed this morning.

Date____11/3/03_____

_____/s/_____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _3rd_____ November, 2003, a copy of the foregoing Motion for Protective Order was served electronically and by facsimile on Samuel Sperling, Law Office of Leonard J. Sperling, 1777 Reisterstown Road, Commercentre West, Suite 212, Baltimore, MD 21208.

_____/s/_____
Brooke Schumm III